



City of Albuquerque

Legislative File Number O-06-35 (version 1)

## **CITY of ALBUQUERQUE SEVENTEENTH COUNCIL**

Enacting The Child Care Staff Training Ordinance; Providing For Training On The Identification And Prevention Of Sexual Abuse As A Condition Of Business Registration; Declaring Non-Compliant Businesses To Be A Nuisance.

## **CITY of ALBUQUERQUE SEVENTEENTH COUNCIL**

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. "SHORT TITLE. Sections 1 through 5 of this Ordinance shall be known as the "Child Care Staff Training Ordinance".

Section 2. PURPOSE AND INTENT. On October 3, 2003 the City Council adopted R-03-326 creating the Sexual Assault Task Force. The Task Force was charged with an obligation to develop a strategic plan to address and formulate:

- (a) Recommendations on how to reduce incidents of sexual assault
- (b) Recommendations on how to coordinate existing resources; including specific proposals on how these entities may better cooperate.
- (c) Recommendations for changes in policies and laws to reduce incidents of sexual assault.
- (d) Recommendations on the need for increased services and resources to reduce incidents of sexual assault.

(e) Other items deemed appropriate by the task force.

At the City Council meeting of May 15, 2006 the Task Force appeared and presented its report. One of the recommendations of the Task Force is to:

"Require day care center employees to participate in a four-hour training

curriculum developed by the city in conjunction with Sexual Assault Task Force. The training content would include reporting requirements as well as signs of child abuse. Upon completion of the curriculum the center would become certified.”

It is the City Council's purpose, by this ordinance, to effectuate the recommendation of the Task Force in order to provide protections to children in child care.

### Section 3. DEFINITIONS

**CHILD CARE FACILITY.** A facility operating as a licensed child care home, a licensed child care center or a registered child care home pursuant to the laws of the State of New Mexico.

**SEXUAL ABUSE TRAINING.** Training approved by the City of Albuquerque as appropriate for operators and employees of child Care Facilities dealing with child abuse including the signs of such abuse and the reporting requirements for such abuse. The training will be provided by the City, a contractor retained by the City or an individual or organization approved by the City.

**EMPLOYEE.** Any full or part time employee of a Child Care Facility who has contact with children at the facility.

### Section 4. MANDATORY SEXUAL ABUSE TRAINING.

A. Initial Training for Current Employees. Any employee of a Child Care Facility as of the effective date of this ordinance shall receive four hours of Sexual Abuse Training within six months of the effective date of this ordinance.

B. New Employee Training. Any person who becomes an employee of a Child Care Facility after the effective date of this ordinance shall receive at least four hours of Sexual Abuse Training prior to beginning employment or within 10 days of beginning employment.

C. Continuing Training. Every employee of a Child Care Facility shall receive at least four hours of additional Sexual Abuse Training each calendar except that any training received between the effective date of this ordinance and December 31, 2007 shall be deemed to have been received within the 2007 calendar year.

D. Emergency Waiver. The Mayor is hereby authorized to extend the period to receive the training provided for herein in cases of emergency.

Section 5. PENALTY.

A. Any facility operating in violation of this ordinance shall have its business registration revoked or denied following notice and an opportunity to be heard. The hearing shall be before a City of Albuquerque Hearing Officer who shall provide procedures to ensure that the rights of the facility and its owners are fully protected.

B. In addition to or as an alternative to revocation or denial of a business registration any facility being operated in violation of this ordinance shall be considered a nuisance and the City may take appropriate legal action to abate the operation of the facility.”

Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 7. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 8. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.



